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REMARKS

Claims 1-20 were originally presented in the subject application. No claims have herein been added, canceled or amended. Therefore, claims 1-20 remain in this case.

Applicants respectfully request reconsideration and withdrawal of the grounds of rejection and objection.

Claims Not Addressed

The Office Action did not address any of claims 9-11 and 15. Presumably, then, they are allowable. If not, the Examiner is requested to issue a non-final action detailing the reference or references over which these claims are rejected, and explaining the substance of the rejection, such that Applicants have a meaningful opportunity to respond.

Nonetheless, Applicants submit Johnson fails to disclose, teach or suggest any of claims 9-11 and 15. As an example, with regard to the tube of claim 9, Applicants submit a tube could not be used with the spring of Johnson, as it would prevent the spring from working (see FIGs. 5 and 5A of Johnson). With regard to claim 10, the operative portion of the spring of Johnson (the free ends) is located between pin 16 and the handle (versus the tip) end. With regard to claim 11, the pin of Johnson on which the spring sits is anchored in the inner (versus outer) arms.

35 U.S.C. §102(b) Rejection

The Office Action rejected claims 1-2, 4-8, 13 and 16-18 under 35 U.S.C. §102(b), as allegedly anticipated by Johnson (U.S. Patent No. 5,456,272). Applicants respectfully, but most strenuously, traverse this rejection.

Claim 1 recites a hair clip, comprising a plurality of fingers, each having a first tip end and a second base end, the fingers lying adjacent each other side by side in a single plane, each finger linked to an adjacent finger by a hinge means located proximate the second end of each finger. The first tip ends of the fingers may be opened or closed with respect to

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each other. Claim 1 further recites a tensioning means located proximate the second base end, the tensioning means biases the first top end of the fingers in a closed position.

Applicants submit that Johnson fails to disclose, teach or suggest, for example, the first tip ends of the fingers closing with respect to each other. Because of the physical design of the Johnson outer arms, with the tip ends bent away from the inner arms, the Johnson design can never close the tip ends of the arms with respect to each other (see FIG. 5 of Johnson). It is not enough that the tips of the two inner arms of Johnson can close with respect to each other; the claim clearly refers to all the fingers (i.e., the plurality of fingers) being able to close with respect to each other. The different designs of Johnson and the present invention are not surprising, since Johnson is directed to a device to help braid hair, while the present invention is directed to a hair clip.

As another example, Applicants submit that Johnson fails to disclose, teach or suggest the claimed tensioning means biasing the first tip end of the fingers in a closed position. In stark contrast, the Johnson spring only closes the outer arms. See FIGs. 5 and 5A of Johnson, and the description thereof. Instead, the inner arms must be manually closed. See FIGs. 2, 2A and 3 of Johnson, and the descriptions thereof.

Therefore, Applicants submit that claim 1 cannot be anticipated by or made obvious over Johnson.

Applicants submit that the rejected dependent claims are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For example, claim 5 recites that the tensioning means is anchored to the outermost fingers.

Against claim 5, the Office Action cites to FIG. 5A of Johnson. However, FIG. 5A shows a coiled spring 17 on a pin 16 that is anchored in the inner arms. Thus, since the spring of Johnson is not anchored to the outermost arms, Applicants submit that Johnson

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does not disclose, teach or suggest a tensioning means anchored to the outermost fingers, as claimed in claim 5.

Therefore, Applicants submit that claim 5 cannot be anticipated by, or made obvious over Johnson.

As another example, claim 6 recites that each of the intermediate fingers has an opening therethrough proximate the second end and in line with the opening in adjacent fingers, the tensioning means positioned through the adjacent openings in the intermediate fingers.

Against claim 6, the Office Action cites to FIG. 2, elements 28 and 29 of Johnson. However, claim 6 recites that the openings are in line with each other. In contrast, the Johnson openings are parallel to each other, and not in line with each other. Thus, Applicant submits that Johnson does not disclose, teach or suggest what is claimed in claim 6.

Therefore, Applicant submit that claim 6 cannot be anticipated by, or made obvious over Johnson.

As another example, claim 7 recites that the tensioning means is positioned around the outside of the fingers.

Against claim 7, the Office Action cites to Johnson FIG. 5A. However, as set forth in the Brief Description of the Drawings in Johnson, FIG. 5A is a cross-sectional view. Thus, the coiled spring and pin are clearly on the inside of the device (see also FIG. 1 of Johnson), and not positioned around the outside.

Therefore, Applicant submit that claim 7 cannot be anticipated by, or made obvious over Johnson.

As still another example, claim 18 recites that each of the fingers has a handle proximate the second end of the finger.

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Against claim 18, the Office Action cites to FIG. 1 of Johnson. However, FIG. 1 and the other figures of Johnson clearly show that each of the arms does not have a handle.

Therefore, Applicant submit that claim 18 cannot be anticipated by, or made obvious over Johnson.

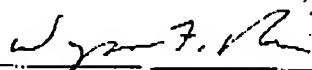
### CONCLUSION

Applicants submit that the dependent claims not specifically addressed herein are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

Applicants acknowledge the reference cited in the Office Action, but not substantively applied. However, Applicants submit that the pending claims are patentable thereover as well.

For all the above reasons, Applicants maintain that the claims of the subject application define patentable subject matter and earnestly request allowance of claims 1-20.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

  
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